

The Examiner asserts that Murata discloses a rotationally asymmetric body, but does not disclose a fluorescent body as claimed. The Examiner then asserts that this deficiency of Murata is corrected by Lee. However, Murata does not disclose a rotationally asymmetric body as suggested by the Examiner. Furthermore, the deficiencies of Murata with respect to the claimed fluorescent body are not corrected by Lee.

The Examiner asserts that Figs. 16 and 17 of Murata illustrate an asymmetrical/oval transparent member 31 (convex lens) covering each semiconductor chip (*see* items 2 and 3 on page 3 of the Office Action). The Examiner acknowledges that the Murata transparent member 31 is not a fluorescent body, but asserts that Lee teaches a fluorescent material and that one of ordinary skill in the art would have incorporated the fluorescent material in element 2 (head lens) of Lee into Murata. However, neither the transparent member 31 of Murata nor the head lens 2 of Lee are analogous to the claimed fluorescent body. The claimed invention recites “at least one of a reflector and a lens” as well as “a fluorescent body.” Rather than being analogous to the claimed fluorescent body, both the transparent member 31 and the head lens 2 are instead analogous to the claimed lens. This is clear in Lee at least by the name of the head lens 2 and in Murata at least because the transparent member 31 is part of a lens plate 3. The Murata and Lee lenses are analogous to the claimed lens, and are not relevant with regard to the claimed fluorescent body.

Additionally, claims 1 and 12 recite a “fluorescent body filled around said light-emitting element.” Neither Murata nor Lee teach anything regarding a fluorescent body filled around a light-emitting element. Fig. 17 of Murata shows hollow 11 filled with transparent organic polymer layer 7. Modifying the hollow to be filled with a fluorescent material would be directly

against the specific Murata teaching. Also, in Lee, the fluorescent material 4 is part of a lens 2', and is not filled around a light-emitting body. Instead, the area around Lee bulb 12 appears to be hollow. Since the fluorescent material 4 in Lee is part of the lens 2', even if Murata were modified with Lee, the result would be a lens with a fluorescent material, not a fluorescent body filled around a light-emitting element as claimed. Accordingly, there is no teaching or suggestion in either Murata or Lee of a fluorescent body as claimed.

Furthermore, the Examiner's assertion regarding the shape of the transparent members 31 is improper. Drawings in a reference can be used by the Examiner only in what they would reasonably teach one of ordinary skill in the art. Also, as in Murata, when the reference does not state that drawings are to scale, arguments based on measurement of the drawing features are of little value (*see* MPEP §2125). In this case, Murata does not specifically describe the shape of the transparent members 31. The Examiner asserts that Fig. 16 shows that they are asymmetrical/oval shaped. However, these elements are roughly drawn (they appear to be hand drawn) and their proportions are difficult to determine. They are not sufficiently clear to reasonably teach one of ordinary skill in the art the claimed asymmetric shape.

Also, Fig. 16 is a perspective view (*see* column 2, lines 47-48). A circle drawn in a perspective view is an ellipse. Therefore, even if the transparent members 31 drawn shape would appear elliptical, this may actually indicate a symmetrical circular shape in the actual device.

The Examiner asserts that the alleged asymmetrical shape comes from Murata. Since there is no teaching or suggestion of an asymmetrical shape in Lee, Lee cannot correct this deficiency of Murata.

In view of the above, Applicants submits that claims 1 and 12 are allowable over the combined teachings and suggestions of Murata and Lee at least because these references lack a fluorescent body as claimed.

Claims 2-5, 7 and 9-10 depend from claim 1 and are therefore allowable at least because of their dependency. Also, claim 10 is further allowable at least because the Examiner's assertion that it would have been obvious to one of ordinary skill in the art to incorporate semiconductor chips of different shapes is improper. The Examiner cites *Span-Deck Inc. v. Fab-Con Inc.*, 215 USPQ 835 for the proposition that having chips with different shapes would have been obvious. However, the Examiner has failed to explain how this case is relevant. The facts of *Span-Deck* are substantially different than the present application and do not address anything regarding having different shapes as claimed. Furthermore, the Examiner has failed to explain how the prior art would lead to the obviousness of the claimed invention. Accordingly, Applicants submit that claim 10 is further allowable at least because it recites chips with different shapes.

**B) Claims 4 and 11**

Claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Lee and further in view of Segoshi (U.S. Patent No. 4,868,726). Claims 4 and 11 depend from claim 1. The Examiner relies on Segoshi only for allegedly teaching a blind. Even if the Examiner's assertions regarding Segoshi are correct, Segoshi does not correct the above-noted deficiencies of Murata and Lee with respect to claim 1. Therefore, because the combination of Murata, Lee and Segoshi fails to teach or suggest every element of independent

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claim 1, the combination certainly fails to teach or suggest every element of dependent claims 4 and 11.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

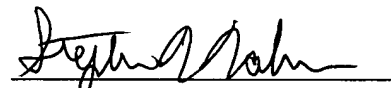
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